

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RAMON BOYCE, <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Case No. 3:19-cv-181
CITY HALL FOR SPRINGFIELD,	:	JUDGE WALTER H. RICE
OHIO, <i>et al.</i> ,	:	
Defendants.	:	

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ORDER TERMINATING ALYSHIA COOK, SHAQUEETA TERRELL  
AND QUIANA BOYCE AS PARTIES; DISMISSING CERTAIN CLAIMS  
WITH PREJUDICE; SERVICE TO ISSUE TO ONLY TO DEFENDANTS  
DERIC NICHOLS AND BRIAN PEABODY; TERMINATING ALL OTHER  
DEFENDANTS AS PARTIES TO THIS LAWSUIT

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On April 28, 2021, the Court issued a Decision and Entry, Doc. #20,  
adopting in part and rejecting in part the Magistrate Judge's Report and  
Recommendations on his initial screening of the Amended Complaint. The Court  
dismissed certain claims with prejudice and others without prejudice. This Order is  
a follow-up to the April 28, 2021, Decision and Entry and must be read in  
conjunction with it.

**A.**

In its April 28, 2021, Decision and Entry, the Court noted that, although  
there were four Plaintiffs who were proceeding *pro se*, only Plaintiff Ramon Boyce  
had filed an application for leave to proceed *in forma pauperis*. The Court gave the

other three *pro se* Plaintiffs—Alyshia Cook, Shaqueeta Terrell and Quiana Boyce—21 days to either file motions for leave to proceed *in forma pauperis* or to pay the filing fee. They were advised that failure to do so may result in the dismissal of their claims. Doc. #20, PageID#208.

Given that these three Plaintiffs failed to comply with the Court’s Order, the Court now DISMISSES all claims brought by Plaintiffs Alyshia Cook, Shaqueeta Terrell and Quiana Boyce and TERMINATES them as parties to this lawsuit.

**B.**

In the April 28, 2021, Decision and Entry, the Court dismissed the majority of Plaintiffs’ claims without prejudice. It gave Plaintiffs 45 days to seek leave to file a Second Amended Complaint to cure certain pleading deficiencies if they could do so within the bounds of Fed. R. Civ. P. 11. Plaintiffs, however, have failed to file a motion within the time allotted. As such, the following claims, which were previously dismissed without prejudice, are now DISMISSED WITH PREJUDICE:

- 42 U.S.C. § 1983 procedural due process claims brought against various defendants in their individual capacities (Count I);
- 42 U.S.C. § 1983 claims asserted against Sheriff Deborah Burchett and Deputy Brian Melchi in their individual capacities (Count I);
- 42 U.S.C. § 1983 municipal liability claims (Count II)
- 42 U.S.C. § 1983 conspiracy claim (Count III); and
- 42 U.S.C. §§ 1985 and 1986 conspiracy claims (Count IV)

The Court also previously dismissed without prejudice the malicious prosecution claim asserted by Plaintiff Ramon Boyce in Count I, because his direct


appeal was still pending. That claim is now also DISMISSED WITH PREJUDICE, given that the United States Supreme Court has recently denied his petition for writ of certiorari. *See Boyce v. Ohio*, No. 20-7271, --S. Ct. --, 2021 WL 1602698 (April 26, 2021).

C.

In light of the foregoing, only two claims remain: (1) the § 1983 Fourth Amendment claim brought against Officer Deric Nichols in his individual capacity, stemming from the February 28, 2017, traffic stop of Ramon Boyce; and (2) the § 1983 Fourth Amendment claim brought against Officer Brian Peabody in his individual capacity, stemming from the June 21, 2017, traffic stop of Ramon Boyce.

The Clerk of Court is DIRECTED to issue service only to Defendants Deric Nichols and Brian Peabody. Plaintiffs Quiana Boyce, Alyshia Cook and Shaqueeta Terrell are TERMINATED as parties to this action. All Defendants other than Deric Nichols and Brian Peabody are also TERMINATED as parties to this action.

Date: July 8, 2021

 (tp - per Judge Rice  
authorization after his review)  
WALTER H. RICE  
UNITED STATES DISTRICT JUDGE